

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Johnson Annexation X-7067-2015
Date: Monday, September 19, 2016 9:44:16 AM

From: David Rothbard [mailto:rothbardd@gmail.com]
Sent: Sunday, September 18, 2016 8:26 PM
To: Doris Stokes
Cc: Planning External Mailing
Subject: Johnson Annexation X-7067-2015

I am writing to provide my opinion on the Annexation and re-zoning of the Johnson Property, on the agenda for Gaithersburg city council meeting of 9/19/2016. I live directly across RT 28 from the property and will be severely, negatively impacted by the proposed development there. I am urging not to approve the rezoning or the annexation.

I attended all three of the "community meetings" that the Johnsons held. Their proposed plans have changed from extremely outrageous to highly outrageous. With 110 housing units (including 82 4-story townhomes on 14 acres they attempting to put an urban development into a suburban community. There is no plan for parking other than in the unit driveways. It is most insulting that the Johnsons are pretending to listen to community concerns. As the last neighbor speaking on March 22 said "this is not serious".

They are not going to do a formal traffic study until after they are annexed. The consultant group they brought to the February meeting did not even know the names of some streets had no clue about the traffic problems in the area. My home faces the intersection of Briar Rock Road (aka Copen Meadows Road) and Darnestown Road. At that point there are 1 or 2 serious traffic accidents per month with injuries requiring ambulance response. I spoke with the consultant answering questions during the March 22 meeting and he acknowledged that the increased traffic volume would increase the number of injury accidents but dismissed it as the price of progress

Look closely at the property's traffic exit plan. Two routes go through the Safeway parking lot, which is already backed up many times of the day. One exit/entrance goes into the Thurgood Marshall elementary school traffic. The fourth exit is a right-in, right-out that dumps onto Darnestown road where there is already half-mile backup during rush hours. Westbound cars on 28 must merge to a single lane at Riffle Ford, and that is not expected to change with this development. Students coming and going to Quince Orchard HS already make dangerous U-turns there each day.

Another nearby resident Bill Enright expressed these concerns to which I concur:

"Their new proposal completely ignores Parcels B, C, and D (currently commercial use and zoned "NR 0.75 H 45") and only addresses Parcel E (currently undeveloped and zoned R-200), on which they now propose 110 homes (367% of the maximum allowed) instead of 180 homes (600% of the maximum allowed) originally requested. They wrote in their report that they had cut from 305 homes down to 110. This is extremely misleading, and in my opinion dishonest. The only portion of the property discussed in their report was cut from 180 to 110 (600% to 367% of the current maximum). If they get annexation/rezoning, they can still apply to put as many residential units as they want on the other parcel.

Our government officials took many outrageous actions in order to make this possible:

1. The county at some point in the recent past changed the zoning code for the 9-acre portion (parcels B, C, D) from a commercial-only code to the "NR" code, without notifying us or getting any input from us. Under the prior code, they would have been permitted commercial

use only, so the maximum number of housing units on the entire property should really be 30...

2. The Johnsons, and now the county planner, massaged the numbers to include all possible exemptions to the current zoning limits, which makes 34 for Parcel E (possible, but not approved) and 40 on Parcels B, C, D, for a total of 74 housing units. Referring back to point 1, the maximum on the entire property should really be 30.
3. The State of Maryland implemented a code that says development cannot be permitted if it's "at a substantially higher density, not exceeding 50%, than could be granted for the proposed development." Clearly "maximum" does not really mean "maximum" but rather a number to be exceeded at 149% without consequences.
4. The Johnsons and county planner ignored the fact that the current proposal discusses parcel E only, and pretended it's for the entire property. If they actually compared apples to apples, the proposal FAR exceeds what is allowed (150% of 30 is 45 housing units).
5. The Johnsons and county planner combined all these distortions of the limits to reach the following conclusions: If you utilize this new "NR" code to include residential units AND if you pretend the entire property is currently zoned to allow 74 homes, AND if you pretend the 110 homes currently in their proposal covers that entire property and not just the part that allows 34 (really 30) homes, AND if you throw in the state code that permits an extra 50% beyond the maximum, they meet the requirements by ONE house: 150% of 74 is 111, and their proposal is for 110.

Another EXTREMELY important detail to keep in mind: The City of Gaithersburg, in the past year, voted to change the Adequate Public Facilities Ordinance (APFO), also known as the "schools test" which is designed to prevent overcrowding at schools. Under the new APFO standards, development is permitted as long as the projected impact to any single school does not exceed 150% of its capacity. That means that if the school capacity is 1000 kids, as long as the projected enrollment does not exceed 1500 kids (or 150% of its maximum capacity), development is permitted by City of Gaithersburg. This is appalling! It is even more appalling when you learn how the "projected numbers of students" are calculated. There is NO consideration for proximity to major roads, proximity to mass transit, proximity to restaurants/shops, or walkability to schools. The county has one table that they use for every residence built in the county. Based on what type of housing unit it is (single-family, townhouse, condo) they have a percentage number that is multiplied by the number of housing units of that type. In other words, 100 new townhouses in the development next to Shady Grove Metro station (which is right next to Metro, 370, 270, and the ICC, but is not at all walkable to any schools) would be projected to have exactly the same number of kids in elementary, middle, and high school as 100 townhouses built here. Clearly the number of school-age kids will be drastically different for those two communities, but in the "projections" they are exactly the same. So keep in mind that this magical 150% number in a neighborhood like ours will in reality be much higher. And even though all the schools impacted (TMES, Ridgeview, QOHS) are in the County jurisdiction, the city of Gaithersburg would have the authority to grant development causing overcrowding of the schools, if this property is annexed."

David Rothbard
12620 Granite Ridge Drive
North Potomac, MD

From: **Bob Allnutt** <boballnutt58@gmail.com>
Date: Fri, Sep 16, 2016 at 7:19 PM
Subject: Support for the Johnson Annexation and Redevelopment
To: Mayor Jud Ashman <jashman@gaithersburgmd.gov>

Dear Mayor Ashman,

As a lifelong citizen of Montgomery County, including 18 years in Gaithersburg, I support the Johnson Family's revised plan and the annexation of their property into the City of Gaithersburg.

The concerns which have been loudly voiced by a few of my neighbors who are concerned about the impact this project will have on the community are absurd and hypocritical (and for the most part generated by the same core of NIMBY activists who oppose everything, seemingly for sport). Mr. Johnson has taken the high road and has been responsive to the "community's" comments and adjusted their plan significantly. As the continuous stream of complaints demonstrates, there is no satisfying these people and no good deed goes unpunished; however, I'm sure that these same people will enjoy their free park with a sense of entitlement and no gratitude whatsoever!

The proposed development will have a positive impact on the surrounding area and the changes to the plan mitigate a majority of the initial concerns about the number of homes, traffic, and park space. Please approve the annexation of the property. This is good planning, please let it proceed.

Thank you.

Bob Allnutt

Sincerely,

Bob Allnutt
103 Thaxton St
Gaithersburg, MD 20878
boballnutt58@gmail.com

Mayor and City Council
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From: Catherine Savel <cay.savel@gmail.com>
Date: September 23, 2016 at 8:01:02 PM EDT
To: Council Member Ryan Spiegel <rspiegel@gaitthersburgmd.gov>
Subject: I support the redevelopment of the Johnson Property

Dear Council Member Spiegel,

As an area resident, I am supportive of the Johnson Family project and the annexation of the property into Gaithersburg. I have lived in the community for a number of years and have been following the project since they presented the original proposal late last year.

Mr. Johnson has made significant changes to the original plan. I appreciate the efforts he has made to adjust this project to fit the surrounding community. The reduction in the total number of homes lowers the impact. I appreciate Mr. Johnson's efforts to listen to area residents and believe the revised project should go forward.

Thank you for your consideration.

Sincerely,

Catherine Savel
12338 Sour Cherry Way
Gaithersburg, MD 20878
cay.savel@gmail.com

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From: **Gloria Baltazar, B** <user@votervoice.net>
Date: Sat, Sep 17, 2016 at 9:02 AM
Subject: Please Approve the Johnson Annexation
To: Mayor Jud Ashman <jashman@gaitthersburgmd.gov>

Dear Mayor Ashman,

I support the revised plan to develop and annex the Johnson Family Property. There were a number of concerns with the initial project, but Russell Johnson made an effort to create a new plan that fits with the surrounding community.

The County is growing and communities need more housing and park land. This project provides both with a reasonable number of new homes and a new community park that is large enough for a ball field.

I am happy to support this project and urge you to do the same.

Sincerely,

BaltazarG
11929 Bambi Ct Apt Cr
Gaithersburg, MD 20878
gbalt1954@yahoo.com

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From: **Mary Jean McCarthy** <user@votervoice.net>
Date: Fri, Sep 16, 2016 at 7:32 PM
Subject: Please Approve the Johnson Annexation
To: Mayor Jud Ashman <jashman@gaithersburgmd.gov>

Dear Mayor Ashman,

I support the revised plan to develop and annex the Johnson Family Property. There were a number of concerns with the initial project, but Russell Johnson made an effort to create a new plan that fits with the surrounding community.

The County is growing and communities need more housing and park land. This project provides both with a reasonable number of new homes and a new community park that is large enough for a ball field.

I am happy to support this project and urge you to do the same.

Sincerely,

Mary Jean McCarthy
614 Firehouse Ln
Gaithersburg, MD 20878
mccarthymaryjean@yahoo.com

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